THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 7935 of 2005

DATED: 22-09-2005

BETWEEN:

Avva Vimala Devi

W/o.late Sathyanarayana Rao

Barkathpura, Hyderabad … Petitioner

And

The Government of Andhra Pradesh,

Rep.by its Principal Secretary for Home,

Secretariat, Hyderabad and 4 others

…Respondents

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 7935 of 2005

ORDER:

Seeking to direct the respondents to conduct proper investigation into the allegations made by the petitioner in Cr.No.18/2004 dated 02-02-2004 of Kanchikacharla Police Station, the present writ petition has been filed.

The 5th respondent filed detailed counter-affidavit stating that during the course of investigation, he examined five witnesses apart from the complainant.

After completion of the investigation, the predecessor of the 5th respondent came to know that two civil disputes are pending before the Civil Courts, Nandigama in between the parties herein and hence he obtained permission from the Sub-Divisional Police Officer, Nandigama on 10-07-2004 to close the complaint as civil in nature. When the respondent tried to serve the notice to the complainant before filing the final report into court, the same could not be served, as he was not available. Then the respondent sent the same to the complainant by ordinary post and the copy of the notice is pasted on the door of the house of the complainant and the final report was filed before the Judicial First Class Magistrate, on 29-02-2004. Therefore, there is no inaction on the part of the police in conducting the investigation.

As could be seen from the averments made in the counter, it is apparent that originally a case in Cr.No. 18/2004 was registered and during the course of investigation, the said case has been referred as a non-cognizable offence due to the civil disputes between the parties by way of the suits pending before the court of Senior Civil Judge's Court, Nandigama and another at Junior Civil Judge's Court, Nandigama vide O.S.Nos.72/2003 and O.S.No.135/2003 respectively.

In this view of the matter, the question of inaction by the police in this regard does not arise. Hence, I see no merits in this writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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K.C.BHANU, J.

Dated: 22..09..2005.

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